

United States Court of Appeals
For the Eighth Circuit

No. 16-4516

United States of America

Plaintiff - Appellee

v.

Alan D. Turner

Defendant - Appellant

Appeal from United States District Court
for the Eastern District of Missouri - Cape Girardeau

Submitted: December 11, 2017

Filed: February 8, 2018

[Unpublished]

Before SMITH, Chief Judge, ARNOLD and KELLY, Circuit Judges.

PER CURIAM.

Alan D. Turner appeals a district court¹ order revoking his supervised release. Turner was released from custody before his appeal was submitted to this panel, and

¹The Honorable Stephen N. Limbaugh, Jr., United States District Judge for the Eastern District of Missouri.

he is not subject to a new term of supervised release. We are “without power to decide questions that cannot affect the rights of litigants.” North Carolina v. Rice, 404 U.S. 244, 246 (1971) (per curiam). Turner has completed his post-revocation sentence, so we can only consider his appeal if there is an ongoing “collateral consequence” of the revocation or incarceration. Spencer v. Kemna, 523 U.S. 1, 7 (1998). To maintain his appeal, Turner must show a “concrete and continuing injury other than the now-ended incarceration or parole.” Id.

Turner appeals only the revocation of his supervised release. Turner completed his 14-month post-revocation sentence on October 27, 2017. He did not receive a new term of supervised release, and he has not identified any concrete and continuing injury. We therefore conclude that Turner presents no case or controversy for us to resolve, and we dismiss his appeal as moot.
